

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

MARY KAY MALLOY,)	
)	
Charging Party,)	Cause No. OO49010738
)	
vs.)	ORDER AFFIRMING
)	NOTICE OF DISMISSAL
TETON COUNTY,)	
)	
Respondent.)	

On May 12, 2004, the Human Rights Bureau issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. Charging Party, Mary Kay Malloy, filed an objection with the Montana Human Rights Commission (Commission). Oral argument was not requested. The Commission considered the matter on September 23, 2004.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined a preponderance of the evidence did not support Malloy's assertion that she had been discriminated based on disability and/or perceived disability. The investigator further determined that Teton County did not retaliate against Malloy.

After careful and due consideration, the Commission concludes the findings of the Human Rights Bureau are supported by the record and, therefore, there was no abuse of discretion in the issuance of a Notice of Dismissal. 24.9.1714(3), ARM.

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. § 49-2-509(5), MCA (2003); 24.9.1714(5), ARM. If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled. The Commission adopts the findings of the Human Rights Bureau and the notice of dismissal is affirmed.

Dated this _____ day of October 2004.

Mr. Gary Hindoien, Chair
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on October____ 2004.

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Montana Human Rights Bureau